



Senate

General Assembly

File No. 540

January Session, 2009

Substitute Senate Bill No. 913

Senate, April 8, 2009

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING UNITED STATES SENATE VACANCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-211 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) In case of a vacancy in the office of senator in Congress, the
4 Governor, [is empowered to fill such vacancy by appointment as
5 herein provided. If such vacancy occurs one hundred fifty or more
6 days prior to a state election, the appointee shall serve until the third
7 day of January following such election, and at such election there shall
8 be elected a senator in Congress to serve for the remaining portion, if
9 any, of the term vacated. If such vacancy occurs within less than one
10 hundred fifty days of a state election and the term vacated does not
11 expire on the third day of January following such election, the
12 appointee shall serve until the third day of January following the next
13 such election but one, and at such next election but one there shall be
14 elected a senator in Congress to serve for the remaining portion, if any,

15 of the term vacated. If such vacancy occurs within less than one
16 hundred fifty days of a state election and the term vacated expires on
17 the third day of January following, the appointee shall serve until such
18 third day of January] except as otherwise provided by law, shall, not
19 more than ten days after the occurrence of such vacancy, issue writs of
20 election directed to the town clerks or assistant town clerks ordering
21 an election to be held on the one hundred fiftieth day after the issue of
22 such writs on a day, other than a Saturday or Sunday, to fill such
23 vacancy, provided (1) if such a vacancy occurs between the one
24 hundred twenty-fifth day and the sixty-third day before the day of a
25 regular state or municipal election in November of any year, the
26 Governor shall so issue such writs on the sixtieth day before the day of
27 such regular election, ordering an election to be held on the day of
28 such regular election, and (2) if such a vacancy occurs in the year of a
29 state election and is within sixty-three days of such election, and the
30 office of senator in Congress for which the vacancy exists will be on the
31 ballot during such election, the Governor shall not issue such writs and
32 no election shall be held under this section, unless the position vacated
33 is that of member-elect, in which case the Governor shall issue such
34 writs and an election shall be held as provided in this section.

35 (b) The Governor shall cause writs of election issued pursuant to
36 subsection (a) of this section to be conveyed to a state marshal, who
37 shall forthwith transmit an attested copy thereof to such clerks or
38 assistant clerks. Such clerks or assistant clerks, on receiving such writs,
39 shall warn elections to be held on the day appointed therein in the
40 same manner as state elections are warned, which elections shall be
41 organized and conducted as are state elections, and the vote shall be
42 declared, certified, directed, deposited, returned and transmitted in the
43 same manner as at a state election.

44 Sec. 2. Section 9-450 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 Nominations by major parties for any state, district or municipal
47 office to be filled under the provisions of any law relating to elections

48 to fill vacancies, unless otherwise provided therein, shall be made in
49 accordance with the provisions of sections 9-382 to 9-450, inclusive, as
50 amended by this act.

51 (1) (A) In the case of nominations for representatives in Congress
52 and judges of probate in probate districts composed of two or more
53 towns, provided for in sections 9-212 and 9-218, the delegates to the
54 convention for the last state election shall be the delegates for the
55 purpose of selecting a candidate to fill such vacancy. If a vacancy
56 occurs in the delegation from any town, political subdivision or
57 district, such vacancy may be filled by the town committee of the town
58 in which the delegate resided. Endorsements by political party
59 conventions pursuant to this subsection may be made and certified at
60 any time after the resignation or death creating such vacancy and not
61 later than the fiftieth day before the day of the election. No such
62 endorsement shall be effective until the presiding officer and secretary
63 of any district convention have certified the endorsement to the
64 Secretary of the State.

65 (B) If such a vacancy occurs between the one hundred twenty-fifth
66 day and the sixty-third day before the day of a regular state or
67 municipal election in November of any year, no primary shall be held
68 for the nomination of any political party and the party-endorsed
69 candidate so selected shall be deemed, for the purposes of this chapter,
70 the person certified by the Secretary of the State pursuant to section 9-
71 444 as the nominee of such party.

72 (C) Except as provided in subparagraph (B) of this subdivision, if a
73 candidacy for nomination is filed by or on behalf of any person other
74 than a party-endorsed candidate not later than fourteen days after the
75 party endorsement and in conformity with the provisions of section 9-
76 400, a primary shall be held in each municipality of the district and
77 each part of a municipality which is a component part of the district, to
78 determine the nominee of such party for such office, except as
79 provided in section 9-416a. Such primary shall be held on the day that
80 the writs of election issued by the Governor, pursuant to section 9-212,

81 ordered the election to be held, and new writs of election shall be
82 issued by the Governor in accordance with section 9-212.

83 (D) Unless the provisions of subparagraph (B) of this subdivision
84 apply, petition forms for candidacies for nomination by a political
85 party pursuant to this subdivision shall be available from the Secretary
86 of the State beginning on the day following the issuance of writs of
87 election by the Governor pursuant to section 9-212, except when a
88 primary has already been held, and the provisions of section 9-404a
89 shall otherwise apply to such petitions.

90 (E) The registry lists used pursuant to this subsection shall be the
91 last-completed lists, as provided in sections 9-172a and 9-172b.

92 (2) In the case of judges of probate in probate districts composed of
93 a single town, the day named for the election shall be not earlier than
94 the one hundred fifteenth day following the day on which the writ of
95 election is issued, and the times specified in sections 9-391, 9-405 and
96 9-423 shall be applicable.

97 (3) [In the case of a vacancy in the office of senator in Congress
98 occurring one hundred fifty or more days prior to a state election, the
99 party-endorsed candidate of each party for such office shall be
100 designated at the state convention of such party held for the
101 endorsement of candidates for the state offices to be filled at such
102 election; contesting candidacies for nomination to such office shall be
103 filed not later than four o'clock p.m. on the twenty-first day following
104 the close of such convention; and the primary of such party for
105 nomination to such office shall be held simultaneously with the
106 primaries of such party for nomination to the state and district offices
107 to be filled at such election. If, at the time such vacancy in the office of
108 senator in Congress occurs, such state convention has already been
109 closed, it shall be reconvened by call of the chairman of the state
110 central committee of such party, which call shall be mailed to each
111 delegate selected for such convention not less than seventy-two hours
112 prior to such reconvening; such reconvened convention shall be closed
113 not later than the tenth day following the occurrence of such vacancy.

114 The party-endorsed candidate of such party for such office shall be
115 designated at such reconvened convention. Contesting candidates for
116 nomination to such office shall be filed not later than four o'clock p.m.
117 on the twenty-first day following the close of such reconvened
118 convention. If the primaries of such party for nomination to the state
119 and district offices to be filled at the state election are held not earlier
120 than the forty-ninth day following the close of such reconvened
121 convention, the primary of such party for nomination to the office of
122 senator in Congress to fill such vacancy shall be held simultaneously
123 with the primaries of such party for nomination to such state and
124 district offices; otherwise, the Secretary of the State shall fix the day for
125 the primary of such party for such nomination to the office of senator
126 in Congress, which day shall be not earlier than the forty-ninth day
127 following the close of such reconvened convention and not later than
128 the twenty-first day preceding the day of the state election.] (A) In the
129 case of nominations for senators in Congress provided for in section 9-
130 211, as amended by this act, the delegates to the convention for the last
131 state election shall be the delegates for the purpose of selecting a
132 candidate to fill such vacancy. If a vacancy occurs in the delegation
133 from any town or political subdivision, such vacancy may be filled by
134 the town committee of the town in which the delegate resided.
135 Endorsements by political party conventions pursuant to this
136 subsection may be made and certified at any time after the resignation
137 or death creating such vacancy and not later than the fiftieth day
138 before the day of the election. No such endorsement shall be effective
139 until the presiding officer and secretary of any state convention have
140 certified the endorsement to the Secretary of the State.

141 (B) If such a vacancy occurs between the one hundred twenty-fifth
142 day and the sixty-third day before the day of a regular state or
143 municipal election in November of any year, no primary shall be held
144 for the nomination of any political party and the party-endorsed
145 candidate so selected shall be deemed, for the purposes of this chapter,
146 the person certified by the Secretary of the State, pursuant to section 9-
147 444, as the nominee of such party.

148 (C) Except as provided in subparagraph (B) of this subdivision, if a
 149 candidacy for nomination is filed by or on behalf of any person other
 150 than a party-endorsed candidate not later than fourteen days after the
 151 party endorsement and in conformity with the provisions of section 9-
 152 400, a primary shall be held in each municipality to determine the
 153 nominee of such party for such office, except as provided in section 9-
 154 416a.

155 (D) Unless the provisions of subparagraph (B) of this subdivision
 156 apply, petition forms for candidacies for nomination by a political
 157 party pursuant to this subdivision shall be available from the Secretary
 158 of the State beginning on the day following the issuance of writs of
 159 election by the Governor, pursuant to section 9-211, as amended by
 160 this act, except when a primary has already been held and the
 161 provisions of section 9-404a shall otherwise apply to such petitions.

162 (E) The registry lists used pursuant to this subsection shall be the
 163 last-completed lists, as provided in sections 9-172a and 9-172b.

164 (4) The times specified in sections 9-391, 9-405 and 9-423 shall be
 165 applicable to any special town election held to fill a vacancy in any
 166 town office under subsection (b) of section 9-164. Except as provided
 167 under subsection (c) of section 9-164, any election held to fill a vacancy
 168 in any municipal office under the provisions of any special act shall be
 169 held not earlier than the one hundred twenty-seventh day following
 170 the day upon which warning of such election is issued, and the times
 171 specified in sections 9-391, 9-405 and 9-423 shall be applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	9-211
Sec. 2	from passage	9-450

Statement of Legislative Commissioners:

In the last sentence of section 2(3)(A), "district convention" was changed to "state convention" for accuracy.

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
All Municipalities	STATE MANDATE - Cost	Potential	Potential

Explanation

This bill, which eliminates the Governor's power to appoint a replacement in the case of a U.S. Senate vacancy, could result in a cost to municipalities. Under the bill, a special election must be held to fill the vacancy if the vacancy occurs 125 days or more before the next regular state election. If the vacancy occurs less than 125 days before the next regular state election, then there would be no fiscal impact to the municipalities, as the special election would be held on the same day as the regular election.

The extent of costs to municipalities to hold a special election depends on the population of the town. For example, the cost to the city the size of Bridgeport could range from \$75,000-\$85,000, whereas the cost to a town the size of Farmington would range from \$10,000-\$15,000. These costs would include payroll for poll workers, rental of polling locations, ballots, and transportation of equipment.

The bill also makes provisions for the possibility of a primary. A primary is prohibited if a vacancy occurs between the 125th day and 63rd day before a regular November state or municipal election. Instead, the party-endorsed candidate is the party's nominee.

The bill allows for a primary when a vacancy occurs at any other

time. If a person challenges the endorsed candidate within 14 days after the party endorsement, a primary is held. The cost to hold a primary election is comparable to the cost of holding the general regular election.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 913*****AN ACT CONCERNING UNITED STATES SENATE VACANCIES.*****SUMMARY:**

This bill eliminates the governor's power to fill U.S. Senate vacancies by appointment and instead requires a special election under most circumstances. It establishes a procedure for issuing the writs of election and holding the election. The bill specifies the process for selecting convention delegates to endorse a candidate, holding a convention, and holding a primary if someone challenges the party-endorsed candidate, but it does not include a provision for setting a primary date.

The electors eligible to vote in the special election are those whose names appeared on the voter registry list compiled for the last regular election held in the municipality or political subdivision holding the special election, plus the names of people in those areas admitted as electors after the list was completed.

EFFECTIVE DATE: Upon passage

SPECIAL ELECTIONS TO FILL SENATE VACANCIES

Under existing law, if the office of U. S. Senator becomes vacant, the governor must appoint a replacement. If there is sufficient time before the scheduled end of the term, a successor is elected at the next regular election to fill the office for the remainder of the term.

The bill eliminates the governor's power to appoint a replacement and instead requires her to issue writs of election to fill the vacancy to the town clerks or assistant town clerks within 10 days after the vacancy occurs. With two exceptions, the election must be held on the 150th day after the writs are issued, but not on a weekend.

If the vacancy occurs more than 63, but less than 125, days before the next regular November state or municipal election, the governor must issue the writs on the 60th day before the next regular election and the election to fill the vacancy must be held simultaneously. If the vacancy occurs 63 days or less before a regular state (but not municipal) election and the vacant U.S. Senate office will be on that ballot, there is no election to fill the vacancy, unless the vacated position is that of a member-elect.

This means, if the vacancy occurs 63 days or less before the next regular state election and the vacated office will not be on the ballot, the governor must issue the writs and a special election is held 150 days later to fill the remainder of the term.

Under the bill, the governor's writs are conveyed to a state marshal who transmits an attested copy to town clerks or assistant town clerks. The bill requires the process for clerks to notify electors of the date of the election; the way the special election is organized and conducted; the way the vote is declared, certified, directed, deposited, returned, and transmitted to be the same as those for state elections.

CONVENTIONS, PARTY ENDORSEMENTS, AND PRIMARIES

Just as under current law, the parties must hold a convention to endorse candidates to fill a U.S. Senate vacancy. For the purposes of an election to fill a vacancy, the bill changes the law on convention delegates and revises the deadlines for making party endorsements and holding primaries. Under the bill, the convention must be held between the date when the vacancy occurs and 50 days before the election to fill it. The endorsements are not effective until the presiding officer and secretary of the convention certify them to the secretary of the state.

Delegates to the convention are the same ones who served at the convention held for the previous state election. In the event of a vacancy in the delegation, the town committee in the former delegate's town fills it.

The bill prohibits a primary from being held if a vacancy occurs between the 125th day and 63rd day before a regular November state or municipal election. Instead, the party-endorsed candidate is the party's nominee.

The bill allows for a primary when a vacancy occurs at any other time. If a person challenges the endorsed candidate within 14 days after the party endorsement, a primary is held. However, the bill fails to provide for a primary date (see COMMENT).

The secretary of the state must make petition forms available on the day after the writs of election are issued. The process for obtaining the forms is the same as it is under current law. This means the secretary of the state must fill in identifying information on each petition form page and give the requestor petition pages that can be duplicated. If the candidate is indigent, the secretary must give the requestor a sufficient number of pages or as many as the person requests. Anyone requesting a petition form must give his or her name and address and the name, address, and office sought for each petition candidate, along with a consent statement signed by the candidate.

COMMENT

Primary Date

The bill does not establish a procedure for the governor to issue writs in connection with the primary. Thus, it does not require the governor to announce the primary and does not establish a date for it within the bill's special election calendar.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 3 (03/20/2009)